IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 1416-M of 2007

DATE OF DECISION : 12.02.2007

Jaswinder Singh

.... PETITIONER

Versus

State of Punjab

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. D.S. Sandhu, Advocate,
for the petitioner.

Mr. N.S. Gill, AAG, Punjab.

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Petitioner Jaswinder Singh has filed this petition under Section 439 of the Code of Criminal Procedure for the grant of regular bail in case FIR No. 193 dated 1.11.2005 under Sections 307/326/323 IPC, registered at Police Station Subhanpur, District Kapurthala.

I have heard counsel for the parties and gone through the contents of the FIR as well as the order dated 4.4.2006, passed by Additional Sessions Judge, Kapurthala, whereby bail to the petitioner has been declined.

As per the prosecution version, Harinder Singh, who was Manager of Gurudwara Bauli Sahib questioned the petitioner that why he was wearing pant, shirt and Parna, when he is a Ragi Sikh and he should wear Kurta-Pajama along with *Dastar*. Counsel for the petitioner contends that when the injured called the petitioner as *Patit Sikh*, in a sudden fight, it is alleged that the petitioner gave an axe blow, which was lying there, on the head of the injured. In this case, FIR was registered after 3 days of the alleged occurrence and the injured was discharged from the Hospital after 10 days. Counsel contends that the petitioner is in custody since 7.11.2005

and out of thirteen prosecution witnesses, only one has been examined. Trial is not going to conclude soon. The material facts have not been disputed by the State Counsel.

Keeping in view the aforesaid facts, without expressing any opinion on the merits of the case, I deem it appropriate to grant regular bail to the petitioner and he is, accordingly, ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of the trial court.

February 12, 2007 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**